

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 181 – SB 380**

January 28, 2023

**SUMMARY OF BILL:** Clarifies that in contracts, bids, proposals, or agreements relating to improvements to real property, local governmental entities are not prohibited from: (1) evaluating bids, proposals, and qualifications based on experience, certifications, expertise, and past performance as stated in the solicitation documents; or (2) requiring employees of the contractor to submit to a criminal history check to ensure the employees are permitted to enter controlled spaces of the governmental entities.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Clarifying that local governmental entities are not prohibited from basing evaluations of bids, proposals, and qualifications on certain conditions will have no fiscal impact to local government.
- Tennessee Code Annotated § 50-3-109(a)(4) prohibits local governmental entities from requiring a prime contractor or remote contractor to provide access to a worksite to anyone who would not otherwise have a legal right to access the worksite under federal or state law.
- Clarifying that local governmental entities are not prohibited from requiring employees of the contractor to submit to a criminal history records check to ensure such employees may enter a government-controlled space will not result in any significant fiscal impact to local government. It is assumed that the cost of criminal history records checks will be borne by the contractor or employees of the contractor.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner, Executive Director

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